

Message

From: Chalfant, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C1D644333F94EA2AFF756BE6469E5AD-CHALFANT, MARK]
Sent: 6/8/2015 11:00:29 PM
To: Cirian, Mike [Cirian.Mike@epa.gov]; Parker, Robert [Parker.Robert@epa.gov]; Wilder, Scott [Wilder.Scott@epa.gov]; Peterson, Cynthia [Peterson.Cynthia@epa.gov]
CC: Land, Kelcey [Land.Kelcey@epa.gov]; Madigan, Andrea [Madigan.Andrea@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]
Subject: FW: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC
Attachments: RIFS RELEASE HB Final.DOCX

*Privileged & Confidential
A/C Communication*

Enforcement/Investigatory / Ex. 7(a)

From: Otis, Andrew D. [mailto:aotis@curtis.com]
Sent: Monday, June 08, 2015 4:56 PM
To: Chalfant, Mark
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

I wanted to follow up on my update email before to (i) further update you on the developments at CFAC and ask for EPA input and (ii) reiterate CFAC's interest in discussing with EPA an Administrative Order on Consent with regard to the above referenced site.

With regard to recent developments:

CFAC contractor Roux Associates, Inc. has developed a Remedial Investigation/ Feasibility Study work plan (RI/FS work plan) in order to move forward on assessing site conditions. The RI/FS work plan is consistent with the substantive requirements of the National Contingency Plan and State of Montana requirements. CFAC is seeking comment on the RI/FS work plan from EPA, the State of Montana as well as the general public. The press release announcing the availability of the RI/FS work plan is attached to this email and the document is available on this web site: <http://www.rouxinc.com/CFAC-Draft-RI-FS-Work-Plan-Available-for-Public-Comment/>

As is stated in the press release, CFAC will take the comments that it receives from the public and regulators and revise the RI/FS work plan accordingly and republish that work plan. CFAC would like EPA's comments in 30 days thus by COB July 8.

Cal Bag is beginning the process of demolishing the buildings.

CFAC will hold the second meeting of the Community Liaison Panel that it created on June 11, 2015 on Columbia Falls.

With regard to the Administrative Order on Consent:

CFAC reiterates its interest in discussing an AOC to conduct a site investigation and evaluate site options with EPA. CFAC understands that such an AOC would likely address a process for developing and implementing an RI/FS work plan and would like to discuss with EPA how to fit the proposed draft RI/FS work plan into that process. I request the opportunity for CFAC to meet with you and the rest of the Region 8 CFAC team in June or July 2015 to discuss next steps. Please let me know when you would be available for such a meeting.

Please contact me if you have any questions or would like to discuss this matter.

Best regards,

Andrew

Andrew D. Otis
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Skype: Andrew.Otis



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From: Otis, Andrew D.
Sent: Wednesday, May 13, 2015 3:29 PM
To: 'Chalfant, Mark'
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

I wanted to update regarding two developments at the above referenced site and again ask whether we can schedule a meeting to discuss a potential AOC pertaining to site investigation or when you would be able to send me a draft of such an AOC.

With regard to recent developments:

First, as you may have read in the press, CFAC has entered into a contract with Calbag Metals to demolish most of the large buildings on the site, including the buildings containing the pots, and dispose of Spent Pot Liner and other waste associated with those buildings.

Second, CFAC has formed a Community Liaison Panel consisting of members of the local community. The purpose of the panel is to receive feedback from the local community with regard to the status and plans for the facility and to provide them with information regarding ongoing site work and assessment. The first meeting of the Panel will be tomorrow in Columbia Falls and it is expected that the Panel will meet monthly going forward.

Please feel free to contact me if you have any questions or would like to discuss these developments or any other matter related to the site. I look forward to hearing from you at your earliest convenience regarding whether EPA is willing to discuss an AOC with CFAC regarding site investigation and, if so, when such a discussion might occur.

Many thanks and best regards,

Andrew

Andrew D. Otis
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From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Monday, March 23, 2015 7:05 PM
To: Otis, Andrew D.
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:
Thank you for your email below.
I will be in touch with you later this week to discuss next steps.
Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]
Sent: Monday, March 23, 2015 1:14 PM
To: Chalfant, Mark
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Hi Mark,

I didn't get a reply to my email below and wanted to follow up to try to schedule a meeting to discuss CFAC entering into an AOC to investigate the above site. Please let me know what date and location work best for you and we will make every effort to accommodate your schedule.

Best regards,

Andrew

From: Otis, Andrew D.
Sent: Tuesday, March 17, 2015 10:48 AM
To: 'Chalfant, Mark'
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mark,

I wanted to give you a day to dig out after returning from leave before following up. I wanted to see if we could schedule a call or meeting to discuss next steps with regard to the site. Please let me know your availability.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Tuesday, February 24, 2015 3:50 PM
To: Otis, Andrew D.
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your follow-up message. In response to your request that the EPA defer proposing the site for inclusion on the National Priorities List (NPL), we will relay your request to the EPA Headquarters officials responsible for proposing the site on the NPL.

The EPA's Denver regional office completed an initial site assessment in April, 2014 to evaluate potential or confirmed releases of hazardous substances that may pose a threat to human health or the environments. Based on available information, we believe that listing is appropriate and the best vehicle for addressing the site. Governor Steve Bullock and United States Senator Jon Tester are on record in support of listing. As I noted in my previous email, the proposed listing will be open for public comment.

There will be ample opportunity for the EPA and Columbia Falls Aluminum Company to discuss next steps, including an Administrative Order on Consent to study the nature and extent of contamination (Remedial Investigation) and evaluate potential cleanup alternatives (Feasibility Study). The EPA welcomes the company's desire to enter into an AOC, and I look forward to working with you.

-Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]
Sent: Monday, February 23, 2015 2:40 PM
To: Chalfant, Mark
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

Thanks for your response and notice about a potential proposed NPL listing for the site. We would request that EPA hold off on proposing to list the site on the NPL until we have had a chance to meet and discuss an AOC for performing site assessment. CFAC believes that the site can be addressed effectively through agreements with EPA and need not be proposed to be listed on the NPL. We look forward to meeting with you but are also available to meet with others from EPA during the period on which you will be on leave.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Monday, February 23, 2015 4:25 PM
To: Otis, Andrew D.
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your message. I will be out of the office on leave for the next two and a half weeks returning to the office on Monday, March 16th. I appreciate your follow-up, and will contact you upon my return to the office in mid-March to discuss next steps on the Administrative Order on Consent for the above-referenced site.

I also wanted to let you know that the EPA may propose the above-referenced site for inclusion on the National Priorities List (NPL) as early as March, 2015. Public comment on the proposed NPL listing will be open for sixty days following publication of the proposed listing in the Federal Register.

-Mark

Mark A.R. Chalfant

Attorney

Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8

303.312.6177 | chalfant.mark@epa.gov

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From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Monday, February 23, 2015 8:57 AM

To: Chalfant, Mark

Subject: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

Following up on our telephone call in November, 2014, CFAC would like to reiterate its desire to begin discussions about entering into an Administrative Order On Consent with the EPA regarding assessment activities at the above referenced site. During our November telephone call, you had said that you thought that such discussions would be a logical next step and would contact me with regard to scheduling. I have not heard from you and thus wanted to follow up and begin that scheduling discussion.

Please feel free to contact me if you have any questions and I look forward to hearing from you regarding when we may schedule a call or in person meeting to discuss next steps with regard to an AOC.

Many thanks and best regards,

Andrew Otis

Andrew D. Otis

Partner

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